

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 14, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** SP #04015 Garden Center

**PROPOSAL:** To operate a Garden Center.

**LAND AREA:** 20 acres, more or less of a 50.72 acre lot.

**CONCLUSION:** Generally in conformance with the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A 20.6 acre portion of Lot 13, Irregular Tract located in the N ½ of Section 30, T9N, R8E , Lancaster County NE. Metes and bounds description attached.

**LOCATION:** Generally located at S. 120th Street and Yankee Hill Road.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Agriculture and landscaping business. Dam and lake.

### **SURROUNDING LAND USE AND ZONING:**

North:	Agriculture, acreage subdivision	AG, Agricultural
South:	Agriculture, five acreages, Hwy 2	AG
East:	Agriculture, and scattered acreages	AG
West:	Agriculture	AG

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Agricultural, Agricultural Stream Corridor and Green Space in the Comprehensive Plan (F25). This is located in Growth Tier II(25 - 50 years).

**HISTORY:** This area was zoned AA, Rural and Public Use, updated to AG, Agricultural in 1979.

### **SPECIFIC INFORMATION:**

**UTILITIES:** This area is in Lancaster County Rural Water District #1

**TOPOGRAPHY:** Generally flat, sloping down to the north and east. This is in the upper reaches of Stevens Creek.

**TRAFFIC ANALYSIS:** Yankee Hill Road is a paved County Road at this location and to the west. S. 120th is a gravel county road. Both roads show as future 120' ROW (F 113). This does not show on the County one and six year road program.

**PUBLIC SERVICE:** This area is served by the Cheney Palmyra School District, the Bennet Rural Fire District, and is in the LES/Norris agreement service area.

**REGIONAL ISSUES:** Entrance to the city. Development along Hwy 2.

**ENVIRONMENTAL CONCERNS:** There are no Historic or Ecological resources identified on or near this site. The soil rating is about 6.1. A rating of 1 to 4 is prime. This is not prime agriculture soil. There is flood plain for the dam pool and for a small area along the creek below the dam.

**AESTHETIC CONSIDERATIONS:** This site is close to an entry-way corridor.

**ALTERNATIVE USES:** Agricultural uses, including a nursery and horticulture, or acreage residential uses.

**ANALYSIS:**

1. This is a request for a garden center on a 20 acre portion of a 50 acre parcel, as provided in 27.63.110.
2. The garden center is proposed to consist of a new 40' X 60', 2,400 sf Garden Center, and includes the 10,150 sf of other existing buildings on the site. They include a shop and storage bins. This application is requesting approval of a total of 15,000 square feet for "Garden Center" plus additional greenhouses and 'hoop' buildings, all to be located within the 100' setback buildable area.
3. Hours of operation and exterior lighting are not addressed in the application.
4. The applicant is showing 6 stalls of parking. 27.67.100 requires paving of parking lots of six or more stalls.
5. The AG district and the garden center special permit provisions have no parking requirements. A parking requirement of one stall per 300 square feet (a typical retail requirement) would require 8 stalls for the 2,400 square foot retail building shown. A

15,000 retail establishment would require 50 stalls. Additional parking for employees and to accommodate seasonal “overflow” customer parking is not shown.

6. Health Department notes potable water is from Rural Water District #1. A future waste water lagoon will require a permit from the Nebraska Department of Environmental Control.
7. The County Engineer notes no objections.
8. Garden Centers have generally located in the ag areas close to the city to provide for the yard and garden needs of the community as well as a type of niche farming. There has been no noted negative impact for the existing garden centers on nearby land uses.

**CONDITIONS:**

Site Specific:

1. This approval permits a Garden Center of up to 15,000 square feet of total building floor area and not more than 2,400 square feet of retail .

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 6 copies showing the following revisions:
      - 2.1.1.1 A minimum of a 300 foot buffer between storage of chemicals and any existing or future residential populations, or less if approved by Lincoln Lancaster County Health Department.
      - 2.1.1.2. 8 stalls of paved parking, note separate employee parking sufficient for the numbers of employees on the largest shift and show “overflow” parking for seasonal demand.
  - 2.2 Provide a current and valid access permit for a commercial entrance to Yankee Hill Road.

- 2.3 The construction plans comply with the approved plans.
- 2.4 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this Garden Center all development and construction is to comply with the approved plans.
  - 3.2 Before occupying this Garden Center City/County Health Department is to approve the water and waste water systems.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb, AICP, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner

**APPLICANT:** Yankee Hill Landscape Company,  
11605 Yankee Hill Road  
Lincoln, NE 68526  
(402) 41602611

**OWNER:** Donald L. and Katherine M. Magee  
11605 Yankee Hill Road  
Lincoln, NE 68526  
(402) 438-5773

**CONTACT:** Brian Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
(402) 434-2424

**AGR**

Yankee Hill Rd.

Area of Application

**AG**

NE Hwy #2

S. 120th St.

Rokeby Rd.

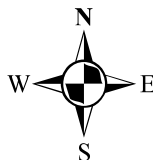
2002 aerial

# Special Permit #04015 120th & Yankee Hill Rd.

## Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 30 T09N R8E



Zoning Jurisdiction Lines

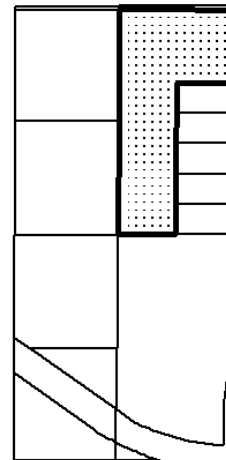
City Limit Jurisdiction

Yankee Hill Rd.

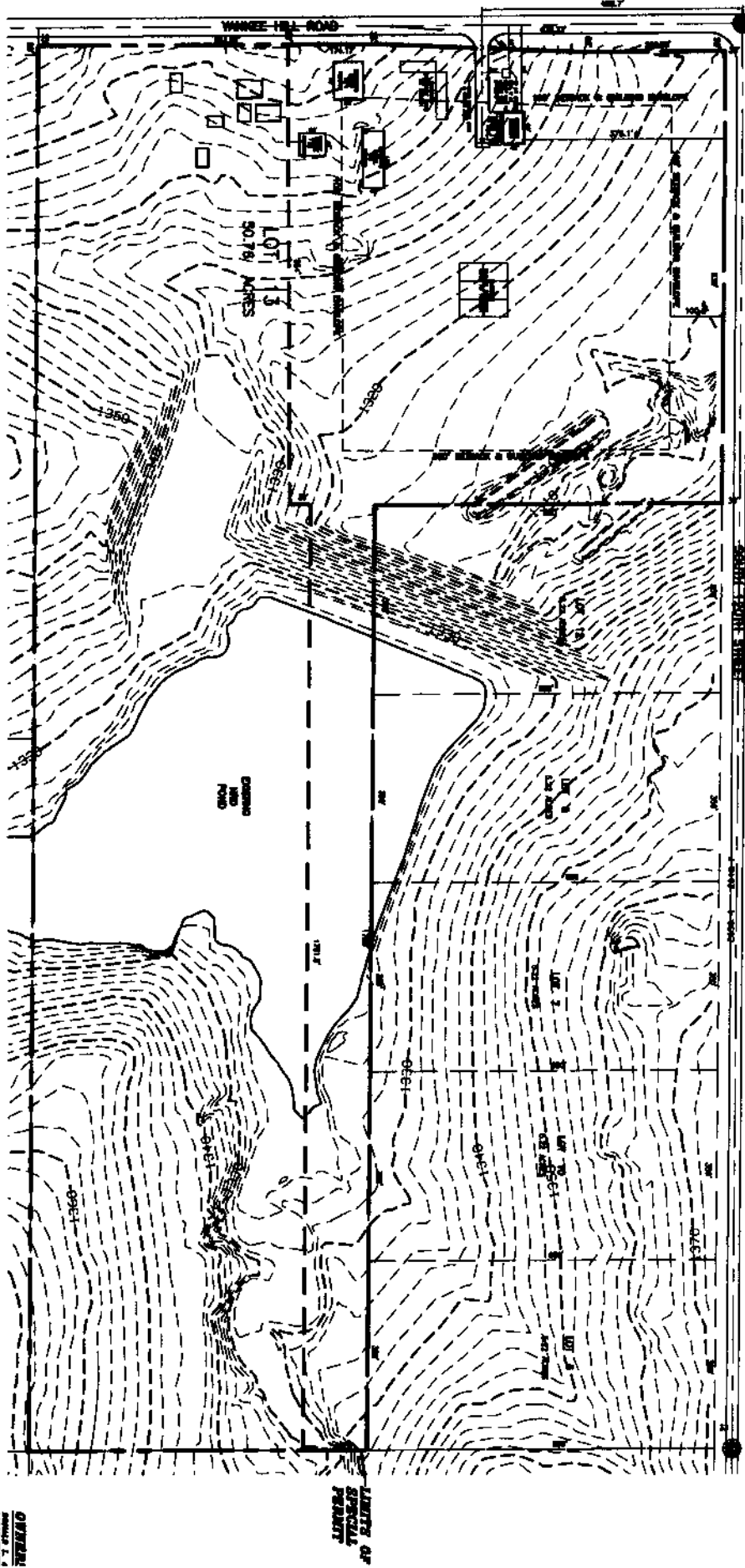
S. 112th St.

S. 120th St.

Rokeby Rd.



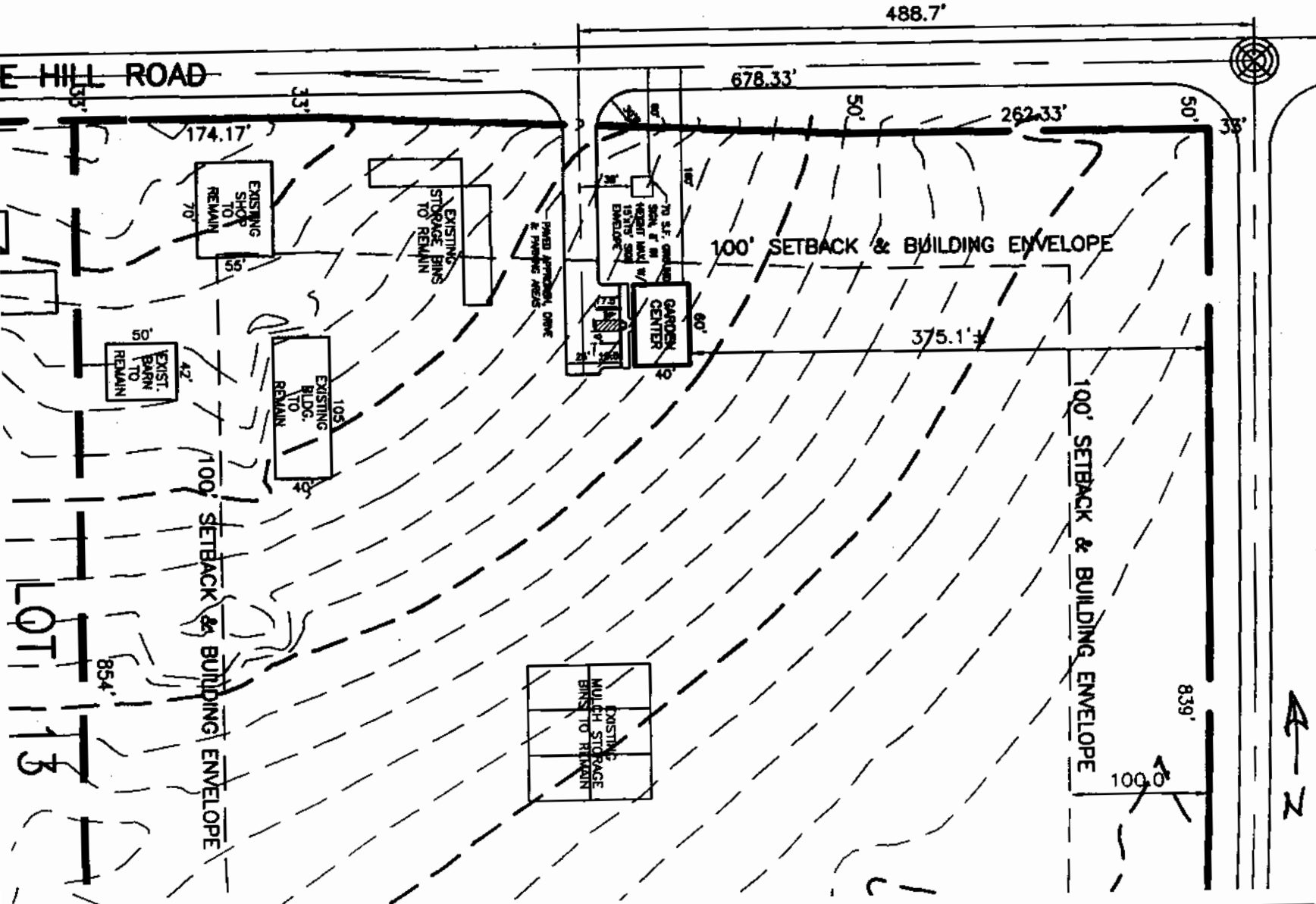
# **SITE PLAN**



**Special Permit #04015**  
**120th & Yankee Hill Rd.**

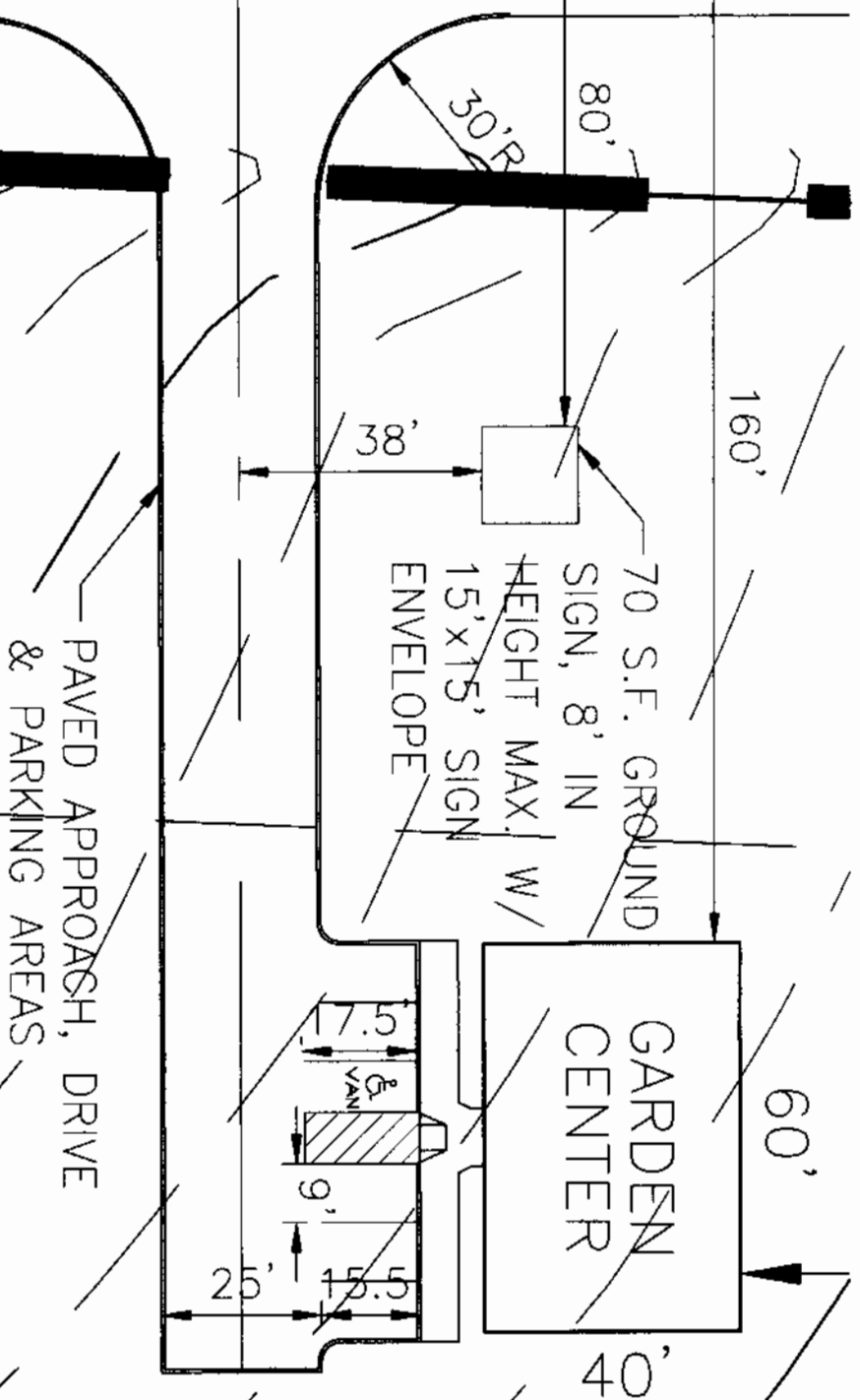
OVERALL  
 120th & Yankee Hill Rd.  
 120th & Yankee Hill Rd.  
 120th & Yankee Hill Rd.

**Special Permit #04015**  
**120th & Yankee Hill Rd.**





Yankee Hill Road

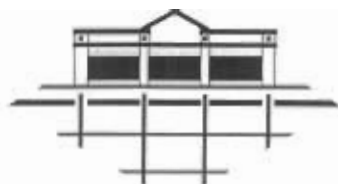


PAVED APPROACH, DRIVE  
& PARKING AREAS

Special Permit #04015  
120th & Yankee Hill Rd.

ENLARGED SITE PLAN

4



**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 16, 2004

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: SPECIAL PERMIT FOR A 'GARDEN CENTER'  
South 120<sup>th</sup> Street & Yankee Hill Road

Dear Marvin,

On behalf of Yankee Hill Landscape Company, Inc., we are submitting a Special Permit to operate a 'Garden Center' in the AG zoning district. This site is 20.64 acres and currently has 10,150 square feet of existing out buildings. There are also existing landscape storage bins on the site. We are requesting a total of 15,000 square feet of 'Garden Center'. Additional green houses, hoop houses and storage buildings may be constructed within the building envelope. They will not be located closer than 100 feet to any exterior property line.

A ground sign building envelope has been located on the plan. The proposed ground sign is 70 square feet with a maximum height of 8 feet.

The proposed access shown shall be paved with 30 foot radii. We are proposing a paved driveway and parking area. See the attached plans for details in this area. We are proposing 6 parking stalls. One ADA accessible parking stall will be paved and a sidewalk will be provided to the front door to meet ADA requirements. No waivers are requested at this time.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Yankee Hill Landscape Company, Inc.  
Donald Magee

Enclosures: Application for a Special Permit  
Application Fee of \$740.00  
Legal Description  
24 copies of Sheet 1 of 1  
8-1/2" x 11" reductions  
Certificate of Ownership



**YANKEE HILL LANDSCAPE COMPANY, INC.**

**SPECIAL PERMIT  
FOR A 'GARDEN CENTER'**

**LEGAL DESCRIPTION:**

The East 815 feet of the North 854 feet and the East 120 feet of the South 1750 feet of Lot 13 Irregular Tract located in the North Half of Section 30, Township 9 North, Range 8 East of the Sixth Principal Meridian, Lancaster County, Nebraska. Consisting of 20.64 Acres more or less.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:** March 29, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Doug Smith

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File

**SUBJECT:** Yankee Hill Landscape

EH Administration

SP #04015

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- The potable water supply for this property is Lancaster Rural Water District #1. The owner has indicated a well may be constructed for irrigation purposes. The owner was informed of the need for a permit from LLCHD prior to constructing a well.
- An on-site wastewater treatment system will need to be constructed in the future for customer and employee use. The soil in the area is Pawnee Clay Loam. This soil typically does not provide acceptable percolation rates for sub-surface discharge of effluent. The system installed will likely be a lagoon. Lagoons serving commercial properties such as the proposed garden center are required to have permit from LLCHD as well as the Nebraska Department of Environmental Quality prior to construction.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Lancaster


DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** March 22, 2004  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** SPECIAL PERMIT #04015  
YANKEE HILL LANDSCAPE

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Upon review, this office has no objections to this submittal.

LVW/cm



# MARKET FINANCIAL SERVICES

443 NORTH 48<sup>TH</sup> SUITE 3 LINCOLN, NE 68504  
(402) 464 - 4990



April 5, 2004

Planning Department  
City County Building  
555 South 10<sup>th</sup> St  
Suite 213  
Lincoln, Ne

Attn: Mike DeKalb


This letter is being written RE: Special Permit No. 04015 S120th Street & Yankee Hill Road.

I bought 22 plus acres from Don and Kathy Magee in the Magee Addition my address is 11500 Middle Fork Rd. I was the second out of seven lots to be sold in this addition. I want to state that everything that Don and Kathy have said would be done, has been done and to my knowledge, to the satisfaction of all.

I am in total agreement with the planned 15,000 square foot garden center. I believe this will be an advantage for the area and in keeping with the rural setting. I have visited with a number of my neighbors about this center and have found them to be in agreement and think this is an excellent idea.

I would encourage and urge the planning commission to approve this request and grant the special permit no 04015

Sincerely yours

  
Gary J Nickel  
DBA  
Garnick Realty